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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,679	04/26/2005	Tor Sverre Lande	2005_0621A	4375

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EXAMINER

HAFIZ, MURSALIN B

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/532,679	LANDE, TOR SVERRE	
	Examiner	Art Unit	
	Mursalin B. Hafiz	2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 13-19 is/are allowed.
- 6) ☒ Claim(s) 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendment filed on April 6, 2006 is hereby acknowledged. Claims 1, 7, 9, and 10 is amended and claims 16-19 are newly added. Amendment to specification of page 10 and 11 is acknowledged.

The indicated allowability of claim 9 is withdrawn in view of the newly discovered reference(s) to Salling et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Salling et al (US 6,515,889 B1).

Regarding claim 9, Salling et al disclosed in Fig. 3A-D and 5, a floating gate MOS transistor comprising:

One or more control gate [207];

An active channel [between 105 and 108];

At least one floating gate [204] disposed substantially between the active channel and the one or more control gates;

An insulating region [203, 206, 214] surrounding the floating gate [204]; and

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A conductor [219] at least partially surrounding the insulating region [203, 206, 214], wherein in use the conductor is coupled to an operating voltage [bit line 209 provides operating voltage].

Claim 10 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Salling et al (US 6,515,889 B1).

Regarding claim 10, Salling et al disclosed in Fig. 5, a transistor wherein a metal contact [202] is formed on the floating gate [column 5 lines 45-53] and a charge leakage path extends between the metal contact and the conductor [same structure performs the same function].

Response to Arguments

Applicant's arguments, see page 7 and 8, filed April 6, 2006, with respect to claims 1-6 and 13-15 have been fully considered and are persuasive. The rejection of claims 1, 3 and 5, and objection of claims 2, 4, 6, and 13-15 has been withdrawn.

Allowable Subject Matter

Claims 7 and 8 are allowed.

Regarding claim 7, prior art does not teach the non-linear resistance being a MOS transistor having its gate and source connected together, transistor source being coupled to the voltage source and the transistor drain being coupled to the floating gate in combination with other limitations of the claim. Claim 8 depends on claim 7.

Claims 11 and 12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Regarding claim 11, prior art does not teach the floating gate extends laterally from above the active channel, and the metal contact is formed on the floating gate at the end of the gate remote from the active channel in combination with other limitations of the claim. Claim 12 depends on claim 11.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mursalin B. Hafiz whose telephone number is 571-272-8604. The examiner can normally be reached on m-f 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mbh


HOA PHAM
PRIMARY EXAMINER